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JobKeeper subsidy must apply to all freelancers

The Morrison Government must clarify and if necessary amend the eligibility criteria for its JobKeeper subsidy to alleviate concerns that a large proportion of the arts and entertainment workforce will fall through the cracks.

Close examination of the income subsidy scheme announced on Monday suggests that potentially thousands of workers in the arts and entertainment industries may not qualify for the \$1500 fortnightly payment and will be forced onto the welfare system.

While the scheme has been designed to include sole traders and long-term casuals, the Media, Entertainment & Arts Alliance is concerned that the nature of employment in screen and live theatre may see two groups of workers excluded from access:

- Freelance performers and crew who are engaged as direct employees on short-term contracts on a production by production basis but are not registered as a business.
- Casual workers who have not been with the same employer for 12 months.

“We welcome the income subsidy scheme and urge employers in the arts and entertainment sectors to re-hire any workers they have stood down,” said MEAA Chief Executive Paul Murphy.

“The subsidy is intended to keep about 6 million Australians in the workforce, but there are complexities within the scheme that may have inadvertently resulted in freelance employees – people whose work is episodic and from gig to gig – being excluded.

“The government urgently needs to clarify if freelance employees are eligible in the same way sole traders with an ABN are, and if they are not, this must be fixed.

“In addition, the 12 months of continuous employment required for casuals to be eligible is far too long.”

Mr Murphy said the nature of work in the screen and live theatre industry was that people were often employed for a short period of time by a company that has been set up specifically as the corporate vehicle for a production, and is wound up at the end of that production.

The length of employment with that particular company may only be for a couple of months, but employment in the industry is ongoing with multiple different companies.

These types of employees are typically paid a wage and are part of the PAYG tax system while they are employed, and are not set up as a sole trader business with an ABN.

A further complexity is that freelancers may have lost income they have not earned yet for productions they were contracted to work on later this year, but as a result of Covid-19 have now been cancelled or postponed indefinitely.

“The income subsidy is a great initiative which will go a long way to keeping some arts and entertainment workers on payrolls,” Mr Murphy said.

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“But if this particular group of freelance employees are not also eligible, it will mean many thousands of arts and entertainment workers have no choice but to rely on the welfare system for an indefinite period.

“It is critical that the government clarifies their status under the JobKeeper scheme, and moves to correct any oversights that result in freelance employees falling through the cracks.”

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